

MINUTES
TENNESSEE MESSAGE LICENSURE BOARD
February 9, 2022

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Time: 9:00 a.m. C.S.T.

Location: 665 Mainstream Drive
HRB - 1st Floor, Iris Room
Nashville, TN 37243

Members Present: William E. Mullins, LMT
Emily Newberry, LMT
Virginia P. Yarbrough, LMT -Secretary
Michael Velker, Chairperson - Citizen Member
Dee Vickers-Smith, LMT

Members Absent: Marvis Burke, LMT

Staff Present: Noranda French, Unit 2 Director
Kimberly Hodge, Board Director
Jessica Turner, Board Attorney - Office of General Counsel

This meeting was called to order at 9:03 a.m. by Mr. Michael Velker. Mr. Velker stated that the reason the board exists is to protect the health, welfare, and safety of the people of Tennessee. Ms. Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established. Ms. Hoggard was present to provide interpretation for the applicants that needed assistance.

Ms. Kimberly Hodge introduced the new Board member Ms. Emily Newberry, LMT and the new Board Attorney Ms. Jessica Turner.

Statement from Jessica Turner- 3:01

Ms. Turner had a statement regarding the abundance of applicant interviews before the Board from the now closed (closed in November 2021) Tennessee School of Therapeutic Massage. All applicants have been brought forward and the Board has been provided appropriate and necessary documentation for them to conduct the meeting in a concise and consistent manner. The Tennessee School of Therapeutic Massage will be discussed at a future meeting.

Applicant interviews

Shuo Yang - 7:23

Ms. Shuo Yang completed her massage education at Footy Rooty Massage Institute in Houston, TX in August 2020. A letter from Ms. Yang's school stated that out of 500 total hours, she

completed 450 hours online, and only 50 hours in-classroom. This is in violation of the Board's current Distance Learning Policy. The school has since received a Cease-and-Desist Order from the Texas Department of Licensing and Regulation (TDLR) ordering them to stop providing unauthorized assistance in connection with an examination; providing false information on student permits; failing to obtain student permits for every student at the massage school; and conducting the internship at a different location from the school. Since Ms. Yang's work history on her application showed that she was working in Springfield, VA as a receptionist and a massage therapist during the time she supposedly was at the school in Houston, TX completing her internship, the Board's administrative office requested that Ms. Yang provide documentation showing that she was in Houston, TX during that time. Ms. Yang was present and spoke with the Board regarding why she chose an online school. After a brief discussion by the Board, Ms. Yarbrough made a motion, seconded by Ms. Vickers to allow Ms. Yang to withdraw her therapist application due to her not meeting Tennessee Massage Board's statutes and rules for education requirements. The motion carried and Ms. Yang withdrew her licensure application.

Angela Minghua Cui - 13:55

Ms. Cui appeared before the Board to discuss her transcript from Greater DFW International Massage Academy. Ms. Cui was present, and Ms. Hoggard translated all communication. The Board's concern was that transcript showed that Ms. Cui completed 450 out of 500 hours in an online format, which is violation of the Board's current Distance Learning Policy. After hearing from Ms. Cui and a brief discussion by the Board, Mr. Mullins made a motion seconded by Ms. Yarbrough to allow Ms. Cui to withdraw her therapist application. The motion carried and Ms. Cui withdrew her application.

Shu Ling Yang – 24:30

Ms. Shu Ling Yang appeared before the Board to discuss her transcripts that were received from Greater DFW International Massage Academy (DFW). Ms. Yang was present for the meeting. The Board had denied Ms. Yang's previous application on June 7, 2017, based on Ms. Yang's failure to complete a Board approved and THEC approved massage education program. In 2017, Ms. Yang had completed her education at Brightness Massage School for the Blind ("Brightness") in Memphis, TN, which lost its THEC and TN MLB approval. In her current application, Ms. Yang has transcripts submitted from THEC about her education at Brightness, as well as two different transcripts from Greater DFW International Massage Academy ("DFW") in Plano, TX. The DFW transcript received on July 12, 2021, showed that all Ms. Yang's hours were completed in-classroom. At its November 2021 meeting, the Board voted to defer Ms. Yang's application to the February 2022 Board meeting to allow the administrative office time to reach out to DFW to get a written explanation of why our office received two different transcripts. After further review of Ms. Yang's education hours, the Board discovered she was in deficit of science hours needed to meet the education requirement in the statutes and rules. The applicant needs to provide a revised transcript and show completion of required education hours. After hearing from Ms. Yang and discussion by the Board, Mr. Mullin's made a motion, seconded by Ms. Vickers to allow Ms. Yang to withdraw her therapist application. The motion carried and Ms. Yang withdrew her application.

Jianzhu Chen Xian - 50:38 (Not Present)

Ms. Jianzhu Chen Xian was requested to appear before the Board due to concerns of her work history on page 2 of her application shows that she worked as a massage therapist in Nevada before she completed massage school, and before she was licensed in Nevada as a massage therapist. Applicant was not present for the Board Meeting. Mr. Mullins motion to proceed in default due to Ms. Xian's absence, Ms. Yarborough seconded the motion. A roll call vote was conducted and, the motion carried. After a brief discussion by the Board, Mr. Mullin's made a motion, seconded by Ms. Yarbrough to deny Ms. Xian's application based on her listed work history in the application in Nevada before she was licensed as a massage. The Board found that Ms. Xian violated T.C.A. 63.18-108(1)(6)(7)(9)(12). The motion carried.

YanGe Gong – 57:55

Per legal advice from the Office of General Counsel, Ms. YanGe Gong has been invited to an interview before the Board to review her application and determine if she meets the requirements for educational approval. Ms. Gong attended Tennessee School of Therapeutic Massage (TSTM) in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Gong provided handwritten notes, curriculum, and notebooks from her education experience for the Board to review but did not provide attendance records to the Board. Ms. Gong was also unable to provide her instructors names or information regarding enrollment. After further questioning regarding school curriculum, translation, and course material, the Board concluded that Ms. Gong hadn't provided sufficient evidence supporting the proof of education and attendance at TSTM. Mr. Mullins motions to deny the application due to uncertainty of the applicant's education. Ms. Newberry seconds the motion, the motion and the motion carried.

BREAK 1:54:52 – 2:11:00

Joanna Lee -2:12:30

Per legal advice from the Office of General Counsel, Ms. Joanna Lee has been invited to an interview for the Board to review her application and determine educational approval. At the November 2021, Board meeting, the Board voted to allow Ms. Lee to withdraw her application due to not meeting the Distance Learning Policy requirements and informed Ms. Lee that she would need to complete the deficient required hands-on educational hours at an approved massage school. Ms. Lee attended Tennessee School of Therapeutic Massage in Knoxville TN to complete her hours. Currently the school is under investigation by the Department due to educational concerns. Ms. Lee provided handwritten notes, curriculum, and notebooks from her education experience for the Board to review but did not provide attendance records to the Board. After hearing from Ms. Lee and a detailed discussion from the Board, Ms. Vickers made a motion, seconded by Mr. Mullins to defer action on Ms. Lee's application to the May 9, 2022, Board meeting to allow her to provide additional proof of attendance at (TSTM). The motion carried.

Wildflower Holistic Spa - Emma Brewster, LMT – 2:54:00

Ms. Brewster is applying for an Establishment license for Wildflower Holistic Spa located at 710 S. Illinois Avenue, Suite F-102, Oak Ridge, TN. She is a licensed Massage Therapist (LMT 11663)

with no prior discipline. Ms. Brewster admitted to posting online advertisements on her business website and Groupon that reflected that the business was open and offering massage services. Groupon reviews mentioned services provided by Ms. Brewster by name. At the time of initial review of the application in the administrative office, massage was able to be scheduled by a staff member via the business website. Based on Unlicensed Establishment policy, the Board issued a fine of \$900.00 to Ms. Brewster. Mr. Mullins made a motion, seconded by Mr. Vickers to approve a conditional establishment license based upon the \$900.00 fine that must be signed and then paid within 30 days of the conditional agreement effective date. The motion carried.

Technical difficulties lead into lunch break 3:10:30- 3:21:56

Ms. Kimberley Hodge called roll call upon the return. A quorum was established.

Braden Mitchell Woods –3:24:00

Per legal advice from the Office of General Counsel, Mr. Brandon Woods was invited to an interview before the Board to review his application and determine educational approval. Mr. Woods attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Mr. Woods appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Mr. Woods several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Mr. Woods stated that his instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; he attended an orientation on August 9th; and that his classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. After hearing from Mr. Woods, Ms. Vickers made a motion, seconded by Mr. Mullins to approve his licensure application based on the outstanding amount of evidence submitted and his statements. The motion carried.

Andrea "Darren" Michelle Sprenz - 3:52:30

Per legal advice from the Office of General Counsel, Andrea "Darren" Sprenz was invited to an interview before the Board to review the application and determine educational approval. Andrea attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Andrea appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Andrea several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Andrea stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. Andrea informed the Board that some of the students used a phone application to translate from English to Mandarin. Andrea also provided a letter to the Board from instructor "January Ellis Bansode" that listed all students that were enrolled and attended the accelerated program that began in August. After hearing from Andrea, Ms. Vickers made a motion, seconded by Ms. Newberry to approve the licensure

application based on the outstanding amount of evidence submitted and the statements provided. The motion carried.

McKenzie Morigan Campbell - 4:17:18

Per legal advice from the Office of General Counsel, Ms. McKenzie Morigan Campbell was invited to an interview before the Board to review her application and determine educational approval. Ms. Campbell attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Campbell appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Campbell several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Campbell stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th and finished on November 9th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. After hearing from Ms. Campbell, Mr. Mullins made a motion, seconded by Ms. Yarbrough to approve her licensure application based on the outstanding amount of evidence submitted and his statements. The motion carried.

Jennifer Jeanne Carter - 4:29:00

Per legal advice from the Office of General Counsel, Ms. Jennifer Jeanne Carter was invited to an interview before the Board to review her application and determine educational approval. Ms. Carter attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Carter appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Carter several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Carter stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th and finished on November 5th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. Ms. Carter stated she received a tour and orientation from a "Bobby Powell" and "Adam Brown". After hearing from Ms. Carter, Ms. Yarbrough made a motion, seconded by Ms. Vickers to approve her licensure application based on the outstanding amount of evidence submitted and his statements. The motion carried.

4:43:13 BREAK

4:50:17 Ms. Hodge conducts a roll call. All members are present, a quorum has been established.

Amy "Nala" Teresa Phillips - 4:50:45

Per legal advice from the Office of General Counsel, Amy "Nala" Teresa Phillips was invited to an interview before the Board to review the application and determine educational approval. Amy attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Amy appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at

TSTM. The Board and Administrative Office asked Amy several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Amy stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th with "Bobby Powell" and "Adam Brown" and finished the massage program on November 5th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. After hearing from Amy, Ms. Vickers made a motion, seconded by Ms. Yarbrough to approve the licensure application based on the outstanding amount of evidence submitted and the statements provided. The motion carried.

Erica Nell Johnson - 5:02:10

Per legal advice from the Office of General Counsel, Ms. Erica Nell Johnson was invited to an interview before the Board to review her application and determine educational approval. Ms. Johnson attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Johnson appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Johnson several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Johnson stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; she attended an orientation on August 9th and finished the massage program on November 10th; and that her classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. After hearing from Ms. Johnson, Ms. Vickers made a motion, seconded by Mr. Mullins to approve his licensure application based on the outstanding amount of evidence submitted and her statements. The motion carried.

Beverly Lynn Pierce - 5:12:25

Per legal advice from the Office of General Counsel, Ms. Beverly Lynn Pierce was invited to an interview before the Board to review his application and determine educational approval. Ms. Pierce attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Pierce appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Pierce several questions including the instructor's names, and orientation date. Ms. Pierce stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; she attended an orientation on August 9th and finished the massage program on November 4th. After hearing from Ms. Pierce, Ms. Vickers made a motion, seconded by Ms. Yarbrough to approve her licensure application based on the outstanding amount of evidence submitted and her statements. The motion carried.

Morgan Augusta Pope - 5:23:11

Per legal advice from the Office of General Counsel, Ms. Morgan Augusta Pope was invited to an interview before the Board to review the application and determine educational approval. Ms. Pope attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Pope appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program

at TSTM. The Board and Administrative Office asked Ms. Pope several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Pope stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th with "Bobby Powell" and "Adam Brown" and finished the massage program on November 12th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. Mr. Velker spoke to Ms. Pope regarding her previous criminal history and that probation has been completed. After hearing from Ms. Pope, Ms. Newberry made a motion, seconded by Ms. Vickers to approve the licensure application based on the outstanding amount of evidence submitted and the statements provided. The motion carried.

Autumn Nichole Ward - 5:33:03

Per legal advice from the Office of General Counsel, Ms. Autumn Nichole Ward was invited to an interview before the Board to review the application and determine educational approval. Ms. Ward attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Ward appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Ward several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Ward stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation in May 2021 and August 9th with "Bobby Powell" and finished the massage program on November 5th; and that the classes were not taught in Mandarin, but that some of the documents was provided to one of the Mandarin students was translated into Mandarin by the instructor. After hearing from Ms. Ward, Ms. Yarbrough made a motion, seconded by Ms. Newberry to approve the licensure application based on the outstanding amount of evidence submitted and the statements provided. The motion carried.

Miranda Jade Wood - 5:41:15

Per legal advice from the Office of General Counsel, Ms. Wood was invited to an interview before the Board to review her application and determine education approval. Applicant provided additional evidence to the Board. Ms. Wood attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Wood appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Wood several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Wood stated that the instructor's name was "Deborah Nelson"; attended school from March 8th and finished on August 23rd. Ms. Wood stated that Ms. Nelson did teach a separate Mandarin class but did have a translator with her in the class. After hearing from Ms. Wood, Ms. Vickers made a motion, seconded by Ms. Yarbrough to approve the licensure application based on the outstanding amount of evidence submitted and the statements provided. The motion carries.

Ashley Lynn Hunt - 5:54:24

Per legal advice from the Office of General Counsel, Ms. Ashley Lynn Hunt was invited to an interview before the Board to review the application and determine educational approval. Ms. Hunt attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Hunt appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Hunt several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Ms. Hunt stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation in late June 2022 and August 9th with "Bobby Powell" and "Adam Brown" and finished the massage program on November 5th. She stated that the classes were not taught in Mandarin, but that one of the students used their phones to assist with translation. After hearing from Ms. Hunt, Mr. Velker made a motion, seconded by Ms. Vickers to approve the licensure application based on the outstanding amount of evidence submitted and the statements provided. The motion carried.

BREAK 6:2:00 – 6:12:30

JACKSON SMITH FRANCISCO –6:12:30

Mr. Francisco was invited to appear before the Board for an interview due to his criminal history. Upon receipt and review of his therapist application, Mr. Francisco was sent to TnPAP for a DUI that resulted in an aggravated manslaughter conviction that he currently is still on probation for. Upon receiving the results and recommendations based upon his evaluation, he declined to follow TnPAP's recommendation and requested to appear before the Board. At the meeting, Mr. Francisco requested to withdraw application. Mr. Velker motioned to approve the applicant's request to withdraw and was seconded by Mr. Mullins. The motion was carried.

KIRK E RAMOS –6:13:36

Per legal advice from the Office of General Counsel, Mr. Ramos was invited to an interview before the Board to review his application and determine educational approval. Mr. Ramos attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Mr. Ramos appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Mr. Ramos several questions including his instructor's names, orientation date, and language his class instruction was taught in by the instructors. Mr. Ramos stated that his instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; he attended an orientation on August 9th; and that his classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. After hearing from Mr. Ramos, Ms. Yarbrough made a motion, seconded by Ms. Newberry to approve his application based on the outstanding amount of evidence submitted and his statements. The motion carried.

CAROLINE CURRAN IANTOSCA –6:23:30

Per legal advice from the Office of General Counsel, Ms. Iantosca was invited to an interview before the Board to review her application and determine educational approval. Ms. Iantosca

attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Ms. Iantosca appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Ms. Iantosca several questions including her instructor's names, orientation date, and language her class instruction was taught in by the instructors. Ms. Iantosca stated that her instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; she attended an orientation on August 9th; and that her classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. She did state that one of her instructors did distribute handouts that were in Mandarin to some of the students. After hearing from Ms. Iantosca, Ms. Vickers made a motion, seconded by Ms. Yarbrough to approve her licensure application based on the outstanding amount of evidence submitted and her statements. The motion carried.

HEATHER "TK" LAVIN -6:30:15

Per legal advice from the Office of General Counsel, Heather Lavin was invited to an interview before the Board to review the application and determine educational approval. Heather attended Tennessee School of Therapeutic Massage in Knoxville TN. Currently the school is under investigation by the Department due to educational concerns. Heather appeared at the meeting and provided an abundance of documents containing evidence of attending the massage program at TSTM. The Board and Administrative Office asked Heather several questions including the instructor's names, orientation date, and language the class instruction was taught in by the instructors. Heather stated that the instructor's names were "Beth Sack Rogers" and "January Ellis Bansode"; attended an orientation on August 9th; and that the classes were not taught in Mandarin, or at any time translated into Mandarin by the instructors. Heather informed the Board that some of the students used a phone application to translate from English to Mandarin. After hearing from Heather, Mr. Mullins made a motion, seconded by Ms. Newberry to approve the licensure application based on the outstanding amount of evidence submitted and statements provided to the Board. The motion carried.

ADAM ROY SHANKLIN-6:39:29

Mr. Adam Roy Shanklin was invited to appear before the Board due to a June 2020 criminal conviction for not having a prescription in its original container that was reflected on his Criminal Background Check. Based upon the Board's Criminal Conviction Policy, the Administrative Office referred Mr. Shanklin to TNPAP for an evaluation to determine if he was safe to practice. Mr. Shanklin presented for an approved evaluation but disagreed with the evaluator's diagnosis and recommendation. Mr. Shanklin requested to appear before the Board to discuss her conviction. Mr. Shanklin explained to the Board that medication (Tramadol) belonged to his girlfriend at the time and that he consented to the search of his vehicle unknowing that the medication was in the trunk. Mr. Shanklin had an unencumbered Georgia massage license for 11 years until he allowed it to expire at the end of 2020. After a detailed discussion and hearing from Ms. Shanklin, Mr. Mullins made a motion, seconded by Ms. Vickers to defer his application to the May 2022 Board meeting to allow Mr. Shanklin the opportunity to submit passing of his drug test and provide proof of completion of his probation. The motion carried.

TAYLOR REANNE STARR-7:18:50

Ms. Taylor Reanne Starr was invited to appear before the Board due to discuss and answer questions regarding her previous convictions for DUI and possession that appeared on her Criminal Background Check. Upon review of her application and discussion with the Board attorney, it was determined to bring Ms. Starr before the Board instead of sending her to TNPAP. Ms. Starr had participated in a long-term residential Christ recovery program for over the past two years and was currently in a transitional program. In the program Ms. Starr received random alcohol and drug test, one-on-one counseling, cognitive behavioral counseling, and alcohol and drug counseling. She also completed multiple classes regarding life skills (anger management, budgeting, time management, etc.), and the grief recovery and 12-step program. After a brief discussion, Ms. Vickers made a motion, seconded by Ms. Newberry to approve her licensure application. The motion carried.

CONNIE S EVANS / ALL ABOUT FACES & MASSAGE-7:49:15

Ms. Connie S. Evans was invited to appear before the Board due to concerns of advertisements for the unlicensed establishment. She applied for an establishment license at 572 Dover Road Unit C, Clarksville TN, and was present at the meeting. She has held a TN massage therapist license (11933) since January 2017 and has no previous discipline. Online advertising on Facebook shows that the establishment was open and offering massage services before the date of application. Facebook posts reflect that Ms. Evans had been advertising massage services being offered at the business for five (5) months. Ms. Evans denied that services had been offered, but rather was a clerical error of not indicating that all services were performed by mobile massage. Staff were able to book an appointment at Ms. Evans establishment address listed on her establishment application. After a discussion, Ms. Yarbrough made a motion, seconded by Mr. Mullins to follow the Board's Unlicensed Establishment Policy and approve a conditional license with one (1) Type A civil penalty totaling a fine of one thousand dollars (\$1,000.00). All fines must be paid in full within twelve (12) months of the effective date of the conditional agreement. The motion passed.

ERIC RUHM / THERAPIST & ESTABLISHMENT LICENSE-8:16:00

Mr. Eric Ruhm was invited before the Board due to an advertisement for massage services being found on Mr. Ruhm's website for Energy Fitness before the license was granted. Mr. Ruhm stated that he had made a template/mock page for his friends and family to review, and then forgot to take it down or make it inactive. After the page was created, Board staff were able to locate the advertisement and go through the initial steps of booking and appointment. Mr. Ruhm explained to the Board that he would have to review and approve the appointment for it could be finalized. Upon receiving notification from the Administrative Office regarding the advertisement, Mr. Ruhm removed the advertisement on his website. After a discussion Mr. Velker made a motion, seconded by Mr. Mullins to approve Mr. Ruhm's massage therapist license. Mr. Velker then made a motion, seconded by Mr. Mullins to approve a conditional establishment license with one (1) Type B civil penalty for two-hundred fifty dollars (\$250.00) that must be paid in full within thirty (30) days of the effective date of the conditional agreement. The motions passed.

PAIGE SCHUNN, LMT / HEALING TOUCH, LLC-8:47:12

Ms. Paige was invited to appear before the Board due to practicing and providing massage services while running/operating an unlicensed establishment Ms. Schunn is a current licensed massage therapist (10712) that has discipline on her license. Ms. Schunn is applying for an Establishment license located at 111 Village Dr. Suite 1, Greenville, TN. She previously appeared before the Board at the August 2021 meeting for working on a lapsed massage license. The Board offered Ms. Schunn an conditional license agreement in which Ms. Schunn was required to pay \$850.00. She is current with her payment plan. Ms. Schunn informed the Board that she was unaware that the business she rented a room from (Scissor Trix Salon located at 807 W Main St, Greeneville, TN 37743) didn't have the proper establishment license, but took full responsibility for operating an unlicensed establishment in the room she rented in the Salon. Ms. Schunn acknowledged that was her responsibility to verify that the establishment was licensed. After a discussion regarding the fees that should be assessed based on the Board's Unlicensed Establishment Policy, Mr. Mullins made a motion, seconded by Ms. Yarbrough to grant Ms. Schunn an conditional establishment license. The Board assessed Ms. Schunn a five-thousand dollars (\$5000.00) civil penalty fine, for owning and operating an unlicensed establishment for May 2017 to December 2021. The Board motion included that Ms. Schunn would be required to begin paying on September 1, 2022, to allow her to time to complete her payment on her previous conditional agreement for working on a lapsed license. Ms. Schunn is required to make reasonable monthly payments over the course of the next thirty-six (36) month period. The motion was seconded by Ms. Yarbrough, and the motion passed.

Matthew Kalman Kirsch – (9:20)

Mr. Matthew Kalman Kirsch was invited to appear before the Board due to concerns regarding his transcript from A New Beginning School of Massage in Austin, TX. Mr. Kirsch's application was reviewed by the Board at the November 2021 meeting, and the Board concluded that Mr. Kirsch did not meet the education requirements for licensure. The Board chose to defer Mr. Kirsch's application to until the February 2022 Board meeting, in hopes that he could transfer his educational hours to an approved massage school and/or have his previous massage school prove completion of the required 500-hour educational program for licensure. Mr. Kirsch had additional documents about his education to be submitted to the Administrative Office and requested that the Board review those documents at this meeting. The Board reviewed all the additional documents including an email from the Texas Department of Licensing and Regulation about AOMA and second transcript from A New Beginning School of Massage, which lists completely different dates that Mr. Kirsch attended school. Mr. Kirsch explained to the Board that there was a clerical error on his transcript and has provided additional documents. After much discussion between the Board and Mr. Kirsch concerning his educational hour requirements, the Board informed Mr. Kirsch still needed to complete additional hours he is in deficit of to meet the Tennessee Massage Board requirements or have the school submit an additional breakdown of hours to verify he meets the Board's requirements. The Board instructed the administrative office to approve the file, if such documentation was received. No motion was provided.

Teresa Marie Harricharan – (9:53)

Ms. Teresa Marie Harricharan was requested to appear before the Board due to an open case in the office of General Counsel for Ms. Harricharan practicing massage in Tennessee without a license. Ms. Harricharan stated that he performed couple massages with her husband and his business, but never received personal compensation. Rather all payments were provided to her husband. The Board asks various questions regarding Ms. Harricharan's work with her LMT husband, her education, and her work during the pandemic. Ms. Haricharan further stated that she was administering massages while she was enrolled in massage school and presented herself as a massage student. However, Ms. Harricharan was not sponsored by a massage the end of therapy educational program. Mr. Mullins made a motion to grant Ms. Harricharan a conditional probationary license until January 1st, 2025. She must submit proof of completing an additional requirement of two-hours of TN law and two-hours of ethics along with her regular required prorated hours for the 2021/2022 CE cycle by December 31, 2022. Proof the completion of the 2021/2022 and 2023/2024 required CE hours classes must submitted to the disciplinary coordinator by January 1, 2023, and January 1, 2025. Ms. Harricharian was assessed five (5) Type A civil penalties for a total fine of five-thousand dollars (\$5,000.00) for practicing as an unlicensed therapist that must be paid in full within twelve (12) months of the effective date of the conditional agreement. Ms. Ms. Yarbrough seconded the motion, and the motion passed.

Frederick Eugene Dunlap – (10:35)

Mr. Frederick Dunlap was requested to appear before the Board due to him practicing massage on a lapsed license, which expired December 31, 2012. Mr. Dunlap had been previously disciplined in 2010 for practicing massage on expired license. On page 1 of Mr. Dunlap's reinstatement application, he wrote that he had continuously practiced massage on a lapsed license from at least December 20, 2016, to current. Mr. Dunlap also admitted to owning, operating, and practicing at his establishment, Therapeutic Touch, which license expired on March 31, 2012. Attorney David Komisar was present to assist Mr. Dunlap. Mr. Dunlap explained to the Board the steps that he had taken to reinstate and reactivate his therapist and establishment license. The Board asks Mr. Dunlap various questions about his past discrepancies and continuing education. After a detailed discussion, the Board decided to deviate from its lapsed license policy. Mr. Mullins made a motion, seconded by Ms. Newberry to grant Mr. Dunlap a conditional probationary license. Mr. Dunlap was assessed sixty (60) type B civil penalties in the amount of two-hundred fifty dollars for each month he practiced on a lapsed license for a total fine of fifteen thousand dollars (15,000.00). Mr. Dunlap is required to pay all civil penalties in full within thirty-six (36) months of the effective date of the conditional agreement. His massage therapist license will remain on probation for three (3) years, and during the probationary timeframe, Mr. Dunlap may not be the owner or responsible person of a massage establishment. He also is required to submit proof of completion of the 2021/2022 and 2023/2024 required CE hours classes to the disciplinary coordinator by January 1, 2023, and January 1, 2025. The motion passed.

The Board adjourned for the day at 9:16 pm.

Minutes

Tennessee Massage Licensure Board

February 10, 2022

To watch or listen to this meeting online, please click on the link below:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/ffa2c8ed6979413eb4be26a530189e851d>

Time: 9:00 a. m. Central Standard Time

Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Michael Vickers, Chairperson
Dee Vickers, LMT
Ed Bolden, LMT
Bill Mullins, LMT
Virginia P. Yarbrough, LMT

Members Absent: Marvis Burke, LMT

Staff Present: Kimberly Hodge, Board Manager
Noranda French, Unit 2 Director
Jessica Taylor, Office of General Counsel

The meeting was called to order by Mr. Velker at 9:05 a.m. A roll call was held by Ms. Hodge and a quorum was established.

Receive, discuss, and/or update Board on New Business in Administrative Office

Administrative Staff Change:

Ms. Hodge announced that Ms. Ruth Stewart departed the Department of Health to gain other employment. Appreciation for Ms. Stewart's 8-year tenure with the Massage Board was expressed as well. Ms. Hodge stated the return to the office by Ms. Scott; and ensured that she, Ms. French, and herself are working diligently to perform all duties.

Update on MLTD:

Ms. Turner stated that an update will be available at the May meeting, as she is still being acclimated with this in her new role as Board Attorney.

Tennessee Massage School Meeting to be held April 19, 2022:

Ms. Hodge expressed that the next meeting is on April 19, and information will go out to the schools in March. She announced that schools that have specific topics that would like to be discussed may contact her by email. Ms. Hodge said that the meetings have been a great collaboration between the schools and the Board Office.

Update on Proposed Legislation:

Ms. Turner announced that SB 1943 which would allow a temporary license to be issued to applicants coming from another state who have not yet passed the MBLEX exam. She stated that she will provide further updates as the Bill progresses as it is currently in its early stages of development.

Approve the minutes from the November 8,9, 2021 Board Meeting

A motion was made to approve the Minutes as written for the November 8th & 9th 2021, Board Meeting by Ms. Yarbrough and seconded by Ms. Vickers. The motion carried.

Receive reports and/or requests from the Board Director/Manager (Time-1:59:05)

Administrator/Director’s Report:

**DIRECTORS/MANAGERS REPORT
February 9, 10, 2022**

This is an Administrative Report from Kimberly Hodge, Board Director. The information contained in this report will keep the Board aware of all essential activity pertaining to licensure for Massage Therapists and Massage Establishments.

STATISTICAL REPORT

As of February 9, 2022, there were 4,514 licensed massage therapists and 1,577 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
November 2021	November 2021
Newly Licensed – 40	Newly Licensed – 17
Reinstate Applications – 8	Reactivation Applications – 3

Retired- 7	Retired – 10
New Applications- 37	New Applications- 9
	Address / Responsible Person Change Application - 7

THERAPISTS	ESTABLISHMENTS
December 2021	December 2021
Newly Licensed – 32	Newly Licensed – 22
Reinstate Applications – 5	Reactivation Applications – 6
Retired- 15	Retired – 5
New Applications- 42	New Applications- 23
	Address / Responsible Person Change Application - 7

THERAPISTS	ESTABLISHMENTS
January 2022	January 2022
Newly Licensed – 35	Newly Licensed – 13
Reinstate Applications – 12	Reactivation Applications – 2
Retired- 16	Retired – 2
New Applications- 35	New Applications - 26
	Address / Responsible Person Change Application - 3

In the months of November 2021 through January 2022, 324 licensees renewed their licenses via the website for a usage rate of 76%. The administrative staff is asking that all Board members get the word out about renewing online and would ask the Board members use this tool to renew their licenses.

Investigation/Disciplinary Report (Time- 2:03:30):

The Investigation report was presented by Ms. Jaime Byerly of the Office of Investigations. Ms. Byerly informed the Board that Disciplinary is now under the Office of General Counsel. Ms. Byerly stated that for this calendar year, the Office of Investigations received 132 new complaints for massage therapists. Of those complaints, 20 were for sexual misconduct, 4 for criminal charges, 12 for unlicensed practice, 46 for unprofessional conduct, 5 for violation of a board order, 1 for criminal conviction, 4 for lapsed license, 1 for practice outside of scope of practice, 35 for continuing education violations and 1 for Covid -19.

During this time, Investigations closed a total of 91 complaints for massage therapists. Of those complaints, 16 were closed due to insufficient evidence to formally discipline, 32 sent to OGC for formal discipline, 16 closed with no violation, 9 with a letter of concern, 18 with a letter of warning. For 2021, Investigations had a total of 126 open complaints for massage therapists.

Ms. Byerly stated that this year, Investigations received 42 new complaints for massage establishments. Of those new complaints, 6 were for sexual misconduct, 1 for advertising, 1 for criminal charges, 7 for unlicensed practice, 21 for unprofessional conduct, 1 for violation of a board order, 3 for lapsed license, 1 for CE violation, and 1 for Covid-19.

During this time, Investigations closed 32 complaints for massage establishments. Of those closed complaints, 5 were sexual misconduct, 7 was closed due to insufficient evidence, 8 were sent to OGC for formal discipline, 8 closed with no action, 2 closed with a letter of concern, and 5 with a letter of warning. Ms. Byerly reminded the Board that letters of concern and warning are not considered formal discipline. For 2021, Investigations had a total of 38 open complaints for massage establishments.

Financial Report (Time- 02:11:30):

This report was brought forth by Matt McSpadden Fiscal Manager presented the Mid- Year Fiscal report for July 1 to July 31, 2021. Allocated expenditures were \$177,865, and a total of \$390,063 of revenue was collected. Carryover total is \$770,932. Ms. Grice will prepare a report to present at the February 2022. Mr. McFadden presented the proposal of the fee increase with an overall revenue increase of \$253,124 if a rule change is put in place. He also stated that massage inspection cost should not be more than \$100,000 to stay out of the red until the reserve has increased beyond \$120,00. The recommendation of the fiscal office is to not resume massage establishment inspections at this time. After much discussion between Mr. McSpadden, the Board Members, and Ms. Turner, it was decided that the fee increase would be revisited at a future meeting.

Continuing Education Audit Report (Time- 1:16:00):

This report was presented by Kimberly Hodge. From January 2021 to June 2021, a total of 102 massage therapist were audited for continuing education. Of those massage therapists audited, 61 were compliant and 41 were non-compliant. This audit period had a 60% compliance rate, and a 40% non-compliant rate. Of those massage therapists that were non-compliant, 3 were deficient in the required number of continuing education hours, and 19 failed to contact the compliance unit after receiving the “Second Notice of Audit Letter” via certified mail.

Tennessee Professional Assistance Program (TnPAP) Statistical Report regarding the Peer Assistance Program (1:18:40)

Ms. Teresa Phillips, Executive Director of TnPAP, brought this report. From July 1, 2021– December 31, 2021, TnPAP was monitoring a total of one massage therapist, and no massage establishment owners. During this time, TnPAP received a total of four referrals for massage therapists, and one for massage establishment owners. Three referrals were received through the Board administrative office and one referral received by a school. Of those referred, three were for arrest history and one for disruptive behavior. During this time, TnPAP entered into one agreement with a massage therapist. During this time, TnPAP discharged a total of three massage therapist, and no massage establishment owners. One discharge was due to being evaluated with no monitoring recommended, one was evaluated but declined recommendation, and one was discharged with monitoring noncompliance.

The Board and the public had no questions or comments for Ms. Phillips.

Ratify Agreed Citations for continuing education violations and lapsed licenses (Time-1:21:18)

Amber Corrin Carothers, LMT 6255

Ms. Carothers agreed to pay a civil penalty of \$275.00 for failing to obtain five (5) hours of continuing education for the 2017/2018 cycle.

Lauren Kristen Chavarria, LMT 11689

Ms. Chavarria agreed to pay a civil penalty of \$250.00 for failing to obtain four (4) hours of continuing education for the 2017/2018 cycle.

Sara Cathryn Evans, LMT 10373

Ms. Evans agreed to pay a civil penalty of \$750.00 for not obtaining twenty-four (24) hours of continuing education for the 2017/2018 cycle.

Michael T.K. Hatchett, LMT 10756

Mr. Hatchett agreed to pay a civil penalty of \$250.00 for not obtaining four (4) hours of continuing education for the 2017/2018 cycle.

David Michael Hendrickson, LMT 9826

Mr. Hendrickson agreed to pay a civil penalty of \$750.00 for not obtaining twenty-four (24) hours of continuing education for the 2017/2018 cycle.

Karina Allison Mueller, LMT 9091

Ms. Mueller agreed to pay a civil penalty of \$750.00 for not obtaining twenty-four (24) hours of continuing education for the 2017/2018 cycle.

Gretchen N. Spriggs, LMT 8122

Ms. Spriggs agreed to pay a civil penalty of \$250.00 for failing to obtain four (4) hours of continuing education for the 2015/2016 cycle.

Erik Daniel Joseph Andelman, LMT 8950

Mr. Andelman agreed to pay a civil penalty of \$1,100.00 for operating on a lapsed license for eleven (11) months.

McKennah Lauren Ferguson, LMT 13160

Ms. Ferguson agreed to pay a civil penalty of \$300.00 for operating on a lapsed license for six (6) months.

Kristian Gothard, LMT 7933

Ms. Gothard agreed to pay a civil penalty of \$200.00 for operating on a lapsed license for five (5) months.

Holly Victoria Hood, LMT 13005

Ms. Hood agreed to pay a civil penalty of \$400.00 for operating on a lapsed license for seven (7) months.

Kinetic Sports Massage, ME 5297

Kinetic Sports Massage agreed to a pay civil penalty of \$400.00 for operating the establishment on a lapsed license for seven (7) months.

TEKNE, ME 3823

TEKNE agreed to a pay civil penalty of \$200.00 for operating the establishment on a lapsed license for five (5) months.

A motion was made by Mr. Mullins, seconded by Ms. Vickers, to ratify the Agreed Citations for continuing education violations and lapsed licenses. The motion carried.

Ratifications: (Time- 1:30:59)

Massage Therapist New Licenses:

Adcock Sarah Grace	Dyer Tamera Alisha	Long Robert Michael	Thomas Christie De'Andrea
Agnew Douglas H	Elmore Raquel Andrea	Looney April Marie	Townsend Jennifer Larue
Aguero Anyer Alejandro	Evers Jeremiah John	Marable Latoya Janette	Vance Chelsie Kay
Autrey Elizabeth Veronica	Fischler Gauba Ellen	Mccauley Meredith Clarkson	Wang Li
Barnes Alexandria R	Foster Jemaica	Mcclain Amanda Sue	Watson April Michelle
Barrientos Ross Nolan	Fox Alana Dianne	Pence Carrie Lee	Weaver Cynthia Louise
Basso Danielle Kayla	Gerhardt Jeannine	Piotrowicz Lucita Joy	Webb-Howell Racheal Leah
Battaglia Theresa	Goforth Joshua Allen	Ramey Joyce Marie	Webster Bridgette Jayne
Baynham Ramey Danielle	Goode Ashton Elizabeth	Ramsay Lindsay Ann	Winchell Amy Elizabeth
Bell Melissa Ann	Graves Johnna Sue	Rawls Lucindy M	Wood Emily Grace
Boles Cindy Ranee	Henning Cynthia Michelle	Reagan Tammy Michele	Woods Brandon L
Bowling Justin Robert	Hester Courtland Nicole	Richey Rachel Renee	Yorio Joseph William
Briganti Caitlyn Rose	Hiester Britany Alexandria	Rigney Hannah Marie	Yu Qiulin
Brigido Hernandez Zaira Idalia	Hill Thomas Bruce Jr.	Roberts Maria Guadalupe	
Brown Justin Daniel	Holliday Kerry Leigh	Saleh Hanna Nicola	
Buckley Lisa M	Huff Kraig Andrew	Salley Shamira Shameze	
Clark Alexis Donshe	Jefferson Elbert D	Savidakis Elizabeth Ann	
Cobb Clara Elizabeth	Jenkins Paige Brooke	Scoggins Kristen Marie	
Colby Ruth May	Kachler Kristie Lynn	Senn Destiny Nicole	

Contreas Taylor Rose	Karnes Lea Noel	Seufer Kimberly Ellis
Conway Erin Ramsey	Knihtila Sabrina Marie	Staples Kimberly Lynn
Corbin Haley Nicole	Kuhl Ashley Travis	Strickland Claire Alicia
Davey Jaclyn Christine	Laurino Lauren Marie	Su Zhenhua
Davis Ashley Nichole	Leaidicker Jonathan Morgan	Tanner John Leighton
Davis Robert George	Lewis Robert Richard	Templeton Tia Marie
Dixon Yolanda Heavner	Long Angela Linette	Texidor Yolanda

Massage Establishments-Newly Licensed

Elite Multitude Services Llc Dba The Wax House	Jj Zhang Llc Dba Foot Spa Massage	The Appalachian Bodyworker
100 Percent Chiropractic Northshore	Mary Burn Massage Llc	The Recovery Lounge
Abby Treadway Massage	Mission Wellness	Therapeutic And Prenatal Massage Of Chattanooga
Beverly Shockley Light	Misti Garrett Lmt	Tracy Utley Lmt
Body Mechanics	Misti Garrett Lmt	Trl Holdings Dba The Recovery Lounge
Bodywork By Kelisha	Peaceful Kneads Massage Therapy	Weiser Professional Services Dba Bowtie Barber Club
Bristol Sportsplex	Rae'S Massage Harmony	Well House 615 Llc
Chelsie Vance Lmt	Revive Salon & Spa	Zen Foot Massage
Chill One Hour Integrated Massage	Sacred Healing Massage	
Christopher Blackman Lmt	Sarah Gardner L.M.T.	
City Lash & Beauty	Sarah Gardner Massage Therapy	
Cliffwood Medical Aesthetics And Wellness	Solstice Wellness Company	
Courtland Hester Lmt	Southern Serenity Dental Spa Llc	
Creekside Counseling & Wellness	Spirit Of Life Therapeutic Massage	
Fit-10	Studio K	
Foot Massage	Styles On Broadway Paris	
Hands Of Sensitivity	Tennessee Massage Collective	
Ill Wellness Inc.	Teresa Wikre Lmt	

Reinstated/Reactivated Licenses:

Massage Therapist:

Andelman Erik Daniel Joseph	Louis Selina Elnora
Claiborne Ashlea Eubanks	Norris Andrea Nequarry
Colbert Alexis R	Phillips Jana Lenan
Cyr Celeste Paulette	Wilson Jacob Alexander
Ferguson Mckennah Lauren	Andrades Katherine
Gothard Kristian Leigh	Garrett Misti Dawn
Granger Brenda L.	Harris Bettina Elizabeth
Grubbs Kristina Heather	Mills Marlana Lee
Hood Holly Victoria	Stubbs Lisa Marie

Massage Establishments

Allnatural Health Solutions
Daniel Shay'S Salon Boutique Spa
Kathy@Thairapy Salon & Suites
Kinetic Sports Massage- Tennessee
Megan Kipp - Catalyst Beauty
Midtown Thai Massage And Therapeutic Pilates
Salon 327 Inc.
Tekne
Sara Dye Lmt
Upper Grundy Neuromuscular Therapy

A motion was made by Mr. Mullins, seconded by Ms. Newberry, to ratify the new licenses and reinstatement that had been approved by the administrative office. The motion carried.

Review, ratify, discuss, and approve/deny continuing education courses (Time-2:40:30):

Paula Anderson- Communication Strategy

Paula Anderson- Introduction to Reflexology

Paula Anderson- The Customer Experience

Teri Carrick Cook, L.Ac.- Essential Oils and Aromatherapy

A Motion was made by Mr. Mullins, seconded by Ms. Yarbrough to ratify the administratively approved continuing education courses. The motion carried.

Review Board Correspondence (Time-1:24:32)

Casey Zeck, LMT- Ms. Zeck is requesting waiver of her CEs for the 2021-222 CE cycle due to medical hardship from high-risk pregnancy. Her doctor has placed on restriction to work until at least six weeks postpartum. Ms. Zeck would like to be allowed to complete her CEs by distance learning since she is bedridden. Commentary by Kim Hodge reminded that CEs are able to currently be taken via live webinar which is the same as a live in-person format and can be taken from her home. Mr. Velker proposed that the Administrative Office send correspondence to Ms. Zeck to complete her classes via Live webinar as stated in the current policy. A motion was made by Mr. Velker, seconded by Yarbrough to deny the request.

Receive report and /or requests from the Office of General Counsel (Time-1:33:25)

Litigation:

This report was brought forth by Ms. Jessica Turner, Board Attorney. The Office of General Counsel currently has about 90 open cases to the Massage Licensure Board. Approximately 16 of those cases are near resolution and will be closed within the next 30 days. Approximately 15 newly drafted proposed Consent Orders have been mailed in the past 10 days with responses due mid-February.

All open cases in OGC are currently undergoing an intensive file review which will likely result in an increased number of consent orders, agreed orders, and/or notice of charges being presented to the Board in upcoming meetings. This review formally began on 1/23/22 and is in its early stages. A minimum of 10 files are being reviewed a week.

Discuss and Take Action on School Approvals and/ or Program Changes if Necessary

There were none to present.

Review, discuss and take action, if necessary, on NCBTBM's criteria for approval for distance learning classes (Time-1:53:17)

This report was brought forth by Ms. Hodge after it was presented at the November 8, 2022 meeting by Ms. Lori Schrader as a proposal for CE for online courses not being allowed to be accepted by the Board office if taught online even if they are NCTMB approved. Discussion was held and suggestion made that the NCBTMB be inquired about their criteria of approving online classes. Correspondence from the NCBTMB stated that a very thorough process is done when approving courses. Discussion with the Board Members, Ms. Hodge and Ms. Turner revealed that a rule hearing would be needed to set an approval of a hands-on modality being taught in an online format. Public comment was also made which also agreed that in-person training may be best for

such courses. Ms. Vickers suggested that NCBTMB be consulted directly by the Board and also by the TNTA. This matter will be heard upon at the May meeting.

Review, discuss, and take action, if necessary, on Tennessee Massage Board School's Annual Report (Time- 2:25:55)

This report was brought forth by Ms. Hodge. From July 1, 2020 to June 30, 2021, there were 21 approved massage education programs in Tennessee. Of those programs, 2 did not submit an annual report; 17 programs were active and reporting; and only 1 program was located out of state, in Mississippi. During this time, a total of 569 students were enrolled in those programs, and 300 students graduated, which comes to an overall 53 percent graduation rate. Ms. Hodge noted that this rate was down 23 percent from the previous year, most likely due to the effects of the COVID 19 pandemic. During this time, 94 students withdrew or were dismissed from those programs, which comes to an overall 16.5 percent withdrawal/dismissal rate. Ms. Hodge noted that this was only less than one more student over the total from the previous year. Of the students graduated, 269 sat for the MBLEx exam (55 percent of those graduated). Looking at the past few years, programs that fell below the required pass rate of their students sitting for the MBLEx was: 7 programs in 2017/2018; 5 programs in 2018/2019; and 2 programs in 2019/2020, with the current rate for 2020/2021 at 7. Ms. Hodge noted that the information for the 2019/2020 is likely to be incomplete due to factors including the COVID 19 pandemic, the unavailability of accurate information, and the impact that closed testing centers had on first time test takers.

Mr. Velker asked Ms. Hodge what consequences could result for those schools that did not send in reports. Ms. Hodge said that there is not a rule or policy for this. Mr. Mullins requested that Ms. Turner draft a policy that the Board has the right to refer an institution to THEC for being remedial if the school did not report or is deficient in passing rates after entering into a remedial plan. A task force meeting will be held in the future to discuss creating this policy in conjunction with THEC.

Review, discuss and take action, if necessary, on a policy regarding timeframe to submit a new application for Establishment change of responsible person (Time-2:50:55)

A motion was made by Mr. Mullins and seconded by Ms. Yarbrough to establish a policy that an application for a change of responsible person must be submitted within 30 days of the former responsible person leaving the establishment. The motion carried and the new policy will be reviewed at the May meeting.

Review, discuss, and take action, if necessary, on a change to the lapsed license policy for massage establishments. (Time-2:53:57)

A motion was made by Mr. Mullins to create a new policy that there be no grace period for renewals past the due date for establishments. After some discussion, an amendment was made to add a chart that starting at month 3 following the expiration date, there will be \$250.00 penalty for each month thereafter for working on a lapsed license. The motion was seconded by Ms. Yarbrough. A new policy will be presented for review at the May meeting by Ms. Turner. After much discussion and public comment, it was revealed that the policy is in conflict with the Rule

0870-01.10 (1) (d). A motion was then made by Mr. Mullins to rescind his prior motion due to conflict with the rules and was seconded by Ms. Yarbrough. The motion passed and the issue will be revisited through a rulemaking hearing in the future after a new policy is presented.

Review, discuss, and take action if necessary, on a policy regarding two-hour TN Law class for Establishment Renewal (Time-3:08:40)

Ms. Hodge presented current procedure of law class and online renewals for Establishments. A policy was proposed to have Establishment Owners to take the Law class within the current Renewal cycle just as it applies to Massage Therapist. If the license expires within the first three months of the year, the class may be accepted if taken between October and December of the previous year. A motion that non-therapist Establishment owners submit a law class certificate completed within six (6) months prior with a completed application for renewal was made by Mr. Mullins and seconded by Ms. Vickers. After much discussion it was decided that the proposed policy would go against the current rule and that a rulemaking is required to alter. A motion was made by Mr. Mullins to rescind his prior motion and was seconded by Ms. Yarbrough. The motion passed. Ms. Turner advised that a proposed rule change would be on the May agenda.

Discuss and take action, if necessary, on reinstating establishment inspections (Time-3:42:05)

There was no discussion held on this matter at this time.

Discuss and approve or deny consultant to assist the Administrative Office in the reviews of applicant files for educational concerns (Time-3:42:40)

Ms. Hodge stated that this position was previously held by Mr. Ed Bolden-Greer and that he has expressed interest to be able to continue in this role. A motion was made by Mr. Velker and seconded by Mr. Mullins to allow Mr. Bolden-Greer to continue as the Educational Consultant for the Massage Board Administrative Office.

Discuss and take action, if needed regarding rulemaking hearings, rule amendments, and policies (Time-3:45:52)

This was presented by Ms. Jessica Turner of the Office of General Counsel. The rulemaking to increase fees is moving forward internally in TDH. At this time, it is expected the rule making hearing will occur at the May 2022 Board Meeting. The reciprocity licensure rule revisions are in the drafting stages.

Public Comments and receive future Board and Development Committee agenda items (Time- 3:46:24)

The Development Committee will be composed of William Mullins, Emily Newberry, and Virginia Yarbrough with Dee Vickers as an alternate. The Committee will meet at the August 2022 meeting.

The meeting was adjourned at 12:54 p.m.